

COMMITTEE ON SPECIAL PERMITS
MONDAY, APRIL 24, 2023, at 6:08 p.m.
WOBURN CITY HALL
COMMITTEE ROOM

Voting members present: Chair pro tem Councilor Darlene Mercer-Bruen, Councilor Joanne Campbell, Councilor Charles Viola, and Councilor Lou DiMambro. Absent: Chair Richard Gately

Non-voting members present: President Michael Concannon, Councilor Jeffrey Dillon, Councilor Robert Ferullo, and Councilor Joseph Demers

Also present: Building Commissioner Thomas Quinn

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Reading and approval of meeting minutes of January 30, 2023: Motion made by Councilor Viola and seconded by Councilor DiMambro to approve the minutes of the previous meeting; in favor, 5-0.

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Accutemp Engineering Inc., for a special permit to allow overnight parking of two vehicles at 271 Salem Street: Representing the applicant was Thomas Arena, 100 Maple Street, Building B, Stoneham, MA. Also present was the property owner, Leonard Mirra, Mirra Realty LLC, P.O. Box 756, West Newbury, MA. Chair pro tem Mercer-Bruen said Accutemp is seeking a special permit for the overnight parking of two vehicles. She said the committee can talk about the two vehicles at 271 Salem Street but there are a variety of violations at that address. Mr. Arena said Accutemp has been operating at 271 Salem Street since January 16, 2022. He said they park a truck that they previously parked in Stoneham. He said they also purchased a box truck about four months ago. Chair pro tem Mercer-Bruen said a special permit is required for the overnight parking of commercial vehicles. Mr. Arena said he manages a warehouse for an HVAC company. He said the hours of operation are from 7 a.m. to 3 p.m.. He said he arrives about 6:30 a.m. He said he manages equipment that comes in and out – air conditioning units, water units, general HVAC supplies and repair parts. Chair pro tem Mercer-Bruen asked what the trucks are used for. Mr. Arena said the commercial vehicles are used to distribute materials to work sites. Chair pro tem Mercer-Bruen asked if old equipment is brought back from job sites. Mr. Arena said old equipment is taken off-site or is junked. Chair pro tem Mercer-Bruen asked when the scrap guys arrive. Mr. Arena said when he calls them. Chair pro tem Mercer-Bruen asked if there is dedicated parking. Mr. Arena said he takes up three spots, for parking his car and his two employees. He said the commercial vehicles are in and out so he uses five spots total. Chair pro tem Mercer-Bruen asked Mr. Arena if he is aware of the problems at 271 Salem Street, with the emptying of dumpsters and trucks backing in and making beeping sounds at off-hours. Mr. Arena said he has spoken to the trash contractor to make sure they are aware of the waste removal hours. Chair pro tem Mercer-Bruen asked if the dumpster has even been emptied at 2 a.m. or 5 a.m. Mr. Arena said it has not. Councilor Campbell said she wants to know about the issues at 271 Salem Street. Chair pro tem Mercer-Bruen said there is a long history of problems at this site, going back at least 4-5 years. She said there was a neighborhood meeting. She said

there is a big hill behind 271 Salem Street and a residential neighborhood on top of the hill. She said the primary complaint is about construction materials. She said Diversified Construction has been the biggest offender. Mr. Arena said he believes Diversified Construction moved. Chair pro tem Mercer-Bruen said she believes Diversified Construction has been replaced by another construction company that is operating illegally. She said she recently visited the site with the Building Commissioner and Mr. Mirra. She said there were violations all over the place. She said it seems like Mr. Arena is willing to follow the rules, but she has concerns about the building in general. She said the Planning Board has also written a memo describing its concerns. Councilor DiMambro asked Mr. Arena if any work takes place on weekends. Mr. Arena said the company works on Saturdays, but it does not involve 271 Salem Street. He said they are on job sites elsewhere. He said no vehicles come in or out on Saturdays. Chair pro tem Mercer-Bruen said the applicant therefore does not need weekend hours on the special permit. Mr. Arena said that is correct. Motion made by Councilor DiMambro and seconded by Member Campbell to allow any member of the council not on the committee to address the applicant; approved, 5-0.

Commissioner Quinn said there was a meeting in 2019 with Mr. Mirra and a host of neighbors. He said the concerns with the site were made clear. He said after that things were okay for a while. He said between Thanksgiving and Christmas last year additional complaints were made from a resident of Montvale Road. He said residents were advised to make off-hours complaints to the police department. He said Chair pro tem Mercer-Bruen has also received calls about activities occurring at the site. He said he has been to the site at all hours to see what is going on. He said property ownership needs to be a little more accountable for the tenants. He said Accutemp stepped up to the plate and has filed for a special permit. He said he met with Mr. Mirra on January 24 to go over the exterior of the building. He said all the uses are allowed by right. He said the exterior issues are causing problems. He said scrap companies and vehicles are coming and going and dumpsters are being emptied at off hours. He said the one thing he will say is there may have been more activity associated with snow and ice removal during the winter. He said the one complaint that he received via email came at 2 p.m., which is during business hours. He said the biggest concern was overnight parking of commercial vehicles. He said not counting the vehicles associated with Accutemp there were eight vehicles parked on the lot between 11 p.m. and 5 a.m. He said there are also two storage containers that also require special permits. He said the zoning issues have been going since at least March 2, 2023. He said that was the dates fines started accruing. He said if the fines are not paid by May 2, he will request a criminal complaint. He said fines are issued to the property owner, which is Mr. Mirra's LLC. He said there are 10 fines accruing at \$300 per day. He said the Building Dept. gives the violator 60 days. He said a lot of the concerns are about mish mash parking, dumpster issues, and a lack of assigned spaces. He said the owners probably need to police the premises a little better. He said this is not the city's first interaction with Mr. Mirra. He said it is getting to the point where a cease-and-desist order may be considered. He said he thinks Mr. Mirra has been a good corporate citizen, but there have been issues with the proximity of his tenants to residential areas. Chair pro tem Mercer-Bruen said he appreciates Commissioner Quinn's efforts. She said the city wants business there, but not at the expense of the neighbors. She said she has received complaints from other neighbors. She said she feels like the complaints are falling on deaf ears. She said she knows the neighbors have been advised to call the police department but said she the police department has so many other things to do. Councilor DiMambro asked if the roll-off dumpster is considered to be a permanent container. Commissioner Quinn said there are active building permits on-site. Councilor DiMambro asked if the pieces of heavy equipment on-

site require a permit. Commissioner Quinn said there are lots of things in flux. He said there may be some snow removal equipment on-site. Councilor Campbell asked if the refuse in the dumpsters is being placed there by tenants or anyone who drives by. Commissioner Quinn said it could be both. He said the building is located about 150 feet off Salem Street. He said anyone could be using the dumpsters. Councilor Campbell asked if the dumpsters can be locked behind gates like they are at Kohl's. Commissioner Quinn said that would be beneficial. He said there was a lot of push back from the Woburn Business Association about requiring dumpsters to be behind locked gates. He said areas where residential areas abut industrial areas seem to be more problematic. Councilor DiMambro asked if the city requires dumpsters to be locked. Commissioner Quinn said the city regulates the time of dumping and setbacks. He said the dumpster ordinance for the most part works. Councilor Dillon asked what the cost of the fines is to date. Commissioner Quinn said the fines are \$3,000 per day for 60 days. Mr. Mirra said he contacted his tenants. He said his family owns the property but he is the person who mostly manages it. He said he handed special permit applications to his tenants and advised them they had to apply. He said there is no excuse for not applying. He acknowledged there have been fines. He said he does not know which tenants own which trucks. He said he does not know which tenant the fines apply to. Councilor DiMambro asked Mr. Mirra if he would consider installing security cameras. Mr. Mirra answered affirmatively. Councilor DiMambro asked if Mr. Mirra would consider installing motion sensors that are activated after 9 p.m. Mr. Mirra said he would absolutely consider that as an option. Councilor DiMambro said he knows the dumpsters are getting emptied during the early morning hours and motion sensors might prevent that practice. Councilor Demers asked how many tenants there are. Mr. Mirra replied there are 13 units with 12 tenants. He said one tenant occupies two units. Councilor Demers asked if Mr. Mirra has a list of tenants. Mr. Mirra said he thought he sent it. Councilor Demers said he is all for the installation of security cameras. He asked if there are any personal cars among the vehicles that are parked overnight. Commissioner Quinn said all the cars that are parked overnight are commercial vehicles. Councilor Dillon asked how often Mr. Mirra is on-site. Mr. Mirra said he is on-site a few times a month. Councilor Dillon said he also manages properties. He said the tenants tend to take notice when the property manager is there. He said if the property manager is there weekly, the tenants tend to behave better. Councilor Mercer-Bruen said Mr. Mirra is responsible for the building and asked what he suggests to improve the situation. Mr. Mirra said right now the tenants have their own dumpsters and suggested perhaps having only one dumpster for the building might be an improvement. Councilor Mercer-Bruen asked how many dumpsters are there now. Commissioner Quinn said there may be 7, 8 or 9 containers on-site. He said one of the issues at the site is the proximity of the building to the residential area. He said the property owner may consider moving the dumpsters farther away from the Lincoln Road/Montvale Road area. Chair pro tem Mercer-Bruen said she is not going to consider Accutemp's special permit application until all the issues with the dumpsters are resolved. She said the council can add a condition that all dumpsters will be locked. She said she wants to see a good faith effort on the part of the property owner and the tenants start doing the right thing. Mr. Mirra said he will endeavor to figure out which vehicles are associated with each business and if special permits are required he will instruct them to apply. Chair pro tem Mercer-Bruen said this process should start first thing in the morning. She asked Mr. Mirra to provide the committee with a list of tenants and then the committee can move to the next step. Mr. Mirra said he can do that. Commissioner Quinn said after the vehicles were identified on January 24, Mr. Mirra did give out special permit applications. He said he will inquire with the court

tomorrow about the fines. Councilor DiMambro asked if the amount of accrued fines is \$180,000 thus far. Commissioner Quinn answered affirmatively. Councilor DiMambro said that is quite a chunk of change. Mr. Mirra said he understood the amount of the fines to be \$6,000. President Concannon asked if fines are still being issued. Commissioner Quinn said the fines started on January 24 and continued to accrue until March 2, when Accutemp filed for a special permit. He said if someone chooses to work with the city, he is willing to be flexible. President Concannon said the property owner is representing he distributed special permit applications to the tenants, and asked if that would be an act of good faith. Commissioner Quinn said he would hope the applications are submitted as soon as possible. He said he would consider that a good faith effort.

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Motion made by Councilor Campbell and seconded by Councilor Viola to adjourn; in favor, 5-0. Chair Gately adjourned the meeting at 6:57 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees